



**Committee on Technical Barriers to Trade**

**THEMATIC SESSION ON REGULATORY COOPERATION BETWEEN MEMBERS  
ON PLASTIC REGULATION**

7 MARCH 2023, 10:00-13:00

*Moderator's Report<sup>1</sup>*

At the Ninth Triennial Review, Members agreed to continue to hold thematic sessions in conjunction with the Committee's regular meetings from 2022 to 2024, with a view to further deepening the Committee's exchange of experiences on specific topics. On this basis, the Committee agreed to hold a thematic session on regulatory cooperation on plastic regulations.<sup>2</sup> Information about the speakers, presentations, and related materials are available on the WTO website.<sup>3</sup>

**1 GUIDING QUESTIONS**

- How are Members, industry, international organizations, and/or non-governmental organizations working to develop approaches to reduce plastic waste and plastic pollution, as well as promote reuse, recycling, and innovation?
- How do WTO TBT principles contribute to effective policies to manage plastic waste and plastic pollution?
- What best practices should guide regulatory development or alternative approaches to facilitate trade and ensure measures are properly calibrated to achieve their objective?
- What are the benefits, challenges, limitations, and potential trade implications of regulatory measures in this space?
- What opportunities exist for cooperation between Members and for addressing particular needs of developing countries and MSMEs?
- What role can the WTO play?

**2 OPENING AND OVERVIEW SESSION**

2.1. **Mr David Jankowski** (United States)<sup>4</sup> provided an overview of the thematic session and set the scene for the morning discussion. He noted the timeliness of the discussion as the promotion of environmental policy to minimize plastic pollution and plastic waste in our environment have become a priority for many governments and non-governmental organizations. These priorities have led to a rapid proliferation of regulatory and non-regulatory approaches to address these issues. Since 1995, more than 1,750 TBT notifications have included a reference to "plastics". Of this number, 303 were notified under the objective "protection of the environment". Between 2016-2022, plastics-related notifications submitted with this environmental objective have tripled. The scope of these measures includes all points across the plastic life cycle as well as a wide array of policy tools. Mr Jankowski noted that as more Members and organizations seek to minimize plastic pollution and plastic waste, Member will need to rely on the fundamental principles of the TBT Agreement to support both global trade and more effective, and properly calibrated, regulation.

<sup>1</sup> Mr David Jankowski (United States). This Report is provided on the Moderator's own responsibility.

<sup>2</sup> [G/TBT/46, para. 2.11.](#)

<sup>3</sup> [WTO | Thematic session on regulatory cooperation between members \(Plastic Regulation\)](#)

<sup>4</sup> Director, Agricultural Affairs, Office of the United States Trade Representative.

2.2. **Mr Daniel Ramos** (WTO Secretariat)<sup>5</sup> presented the work of the Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (DPP), with a focus on regulatory perspectives on plastics. Launched in November 2020, the DPP has the objective of exploring how trade cooperation could contribute to efforts to reduce plastics pollution and transition to a more circular environmentally sustainable global plastics economy, while complementing work in other international fora. Drawing on the results of the ongoing DPP survey on trade-related plastics measures (TrPMs), Mr Ramos highlighted that, while most trade in plastics were occurring at the upstream level, regulatory policies were broadly concentrated in the mid and downstream levels. He noted that most TrPMs were regulatory measures that focused on five topics, namely, single-use plastics, packaging, waste management, eco-design, and recycling, and further pointed to eco-design as an emerging topic of prevalence. The DPP survey also asked members to identify challenges in their implementation of these measures.

2.3. Turning to the WTO Workshop on Sustainable and Effective Substitutes and Alternatives for Plastics jointly organized with UNCTAD on 6 December 2022,<sup>6</sup> it was noted that a number of trade-related challenges in the use of substitutes pertained to regulatory cooperation, such as the lack of coherence in national regulations and the lack of international standards for substitutes. A workshop on reduction of plastics pollution, in cooperation with UNEP, was planned for the end of April 2023, as DPP co-sponsors work towards "concrete, pragmatic and effective outcomes" for MC13.

### 3 PANEL I

3.1. **Mr Dumisani Buthelezi** (South Africa)<sup>7</sup> presented on South Africa's Plastic Regulatory Framework. First, Mr Buthelezi provided an overview of South Africa's plastics sector profile and the magnitude of the plastic pollution across the country. Notable issues mentioned were the illegal dumps and poor infrastructure. Second, he explained the legislative context and evolution waste regulatory framework from 1998-2014. Currently there are two main types of interventions: government and partnerships. On the government's side, these include EPR – single use plastics, Recycling Enterprise Support Programme (RESP), administration of imports and exports (Basel Convention), waste picker integration. On the partnerships side, South Africa has engaged with several national and international organisations to address plastics pollution. These strategies are meant to move the country towards more circularity.

3.2. **Ms Emmah Monyanga** (South Africa)<sup>8</sup> presented on the regulation of plastic carrier bags (PCB) and flat bags in South Africa. She explained the regulatory model for plastic carrier bags and the inter-agency collaboration, which covers standards, regulations, conformity assessments and sanctions. She also shared that South Africa is trying to consider alternatives and move away from plastics while also increasing consumer education. Ms Monyanga also briefly summarised the six measures related to plastic carrier bags currently being implemented. Re-emphasising consultation and collaboration, Ms Monyanga described the multi-stakeholder interventions and coordinated action between the government, private sector, civil society and labour. However, she also acknowledged the challenges and limitations with PCB technical regulations such as the lack of infrastructure for treatment of biodegradable and compostable bags and limited supply of high-quality post-consumer waste. In closing, she addressed what she considers the role of the WTO in this area highlighting assistance for developing countries with technology transfer and technical capacity and infrastructure.

3.3. **Ms Laura Barnett**<sup>9</sup> and **Ms Daisy Croft**<sup>10</sup> (New Zealand) provided an overview of New Zealand's single-use and hard-to-recycle plastic phase-out work programme. They noted that the country's initial ban on single use plastic shopping bags (including bio-based and compostable plastics) was very successful and had two important effects: (i) it contributed to a shift in public awareness on the use of plastics and (ii) provided momentum for the government's aspirational

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<sup>5</sup> Secretary to the [Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade](#).

<sup>6</sup> DPP Factual Summary of Discussions on Sustainable and Effective Alternatives and Substitutes, 6 December 2022 Workshop, [INF/TE/IDP/RD/88/Rev.1](#).

<sup>7</sup> Director for General Waste Minimization with the Department of Forestry, Fisheries, and Environment.

<sup>8</sup> Technical Specialist, National Regulator for Compulsory Specification (NRCS).

<sup>9</sup> Policy Analyst, Ministry of Environment.

<sup>10</sup> Senior Policy Analyst, Ministry of Environment.

vision to transform New Zealand's plastic system and reduce its use in plastics by 2030 which is outlined in the *Rethinking Plastics in Aotearoa New Zealand Report*.

3.4. Other drivers for New Zealand's steps towards reducing plastic waste include its commitments under the Ellen MacArthur Foundation New Plastics Economy and the Basel Convention. The phase-out work programme is being implemented between 2022-2025, which is designed to phase out the easier-to-replace items first and allow more time for industry to adjust to the harder-to-replace items. To ensure a balance between protection of environment and minimise trade distortion, the government considered feedback on the proposals from other WTO Members, domestic and international industry players. One of their recommended best practices includes collaboration with major trading partners also implementing similar bans which has meant close consultation with Australia.

3.5. **Ms Lisa Flannery** (United Kingdom)<sup>11</sup> described the Environmental Protection (Single-use Plastic Products) Regulations 2021 of the Scottish Government, which were introduced to tackle the negative environmental impacts of plastic waste. Citing that 68% of litter on Scottish beaches is plastic, and the cost of cleaning up litter in Scotland in 2020 was 78 million pounds. The Scottish Government believed that Scotland's throw-away culture was an incentive to tackle this issue and shift behaviours. She noted two challenges: (i) issues regarding plastic product definitions and (ii) preparing businesses to transition away from the targeted plastic products under the regulations. To address the second issue, Scotland has launched a nationwide radio campaign and has instituted grace periods for businesses to use their remaining stock and better adapt. She also discussed engagement with equalities groups to ensure their views were taken on board. With implementation still on-going, Ms Flannery mentioned there has been a broadly smooth transition.

#### 4 PANEL II

4.1. **Ms Sinta Saptarina Soemiarno** (Indonesia)<sup>12</sup> detailed the regulations implemented by the Indonesian government in response to growing marine plastic litter and plastic pollution. She noted the impact of COVID-19 and the rise in online shopping which resulted in an influx in plastic packaging which was a major contributing factor to this increase in plastic waste. However, she also noted that current factors also provide an opportunity for Indonesia's potential to transition to a circular economy. The Indonesian government has specific targets on solid waste management and marine debris which include: (i) 30% waste reduction by 2025, (ii) 70% waste handling by 2025 and (iii) 70% reduction of marine litter by 2025. In its efforts to promote and implement a circular economy, Ms Soemiarno noted the role of the country's "sociopreneurs" which include the youth and start-up companies, who are entering the sector and increasing business in waste handling and recycling.

4.2. **Ms Megan Hamilton** (Canada)<sup>13</sup> introduced the government of Canada's approach to plastics waste and pollution using the Single-Use Plastics Prohibition Regulations as an example of the regulatory process. Recognising that there is no single solution to preventing pollution and moving to circularity, the Canadian government is focusing on implementing a comprehensive, evidence-based agenda that includes working with all levels of government, industry, non-government organizations, researchers and the Canadian public toward a zero plastic waste future. The regulations, which were published in June 2022, focus on the elimination or restriction of six categories of single-use plastics that pose a threat to the environment, are difficult to recycle and have alternatives: checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks and straws (with exceptions). The regulatory process has included public consultation and phase-in timelines from 2022-2025. The government of Canada is also developing other regulatory tools to drive the systems changes which promote circularity as well as policies to support reuse and plastics innovations.

4.3. **Mr Mamo Boru Mamo** (Kenya)<sup>14</sup> highlighted Kenya's approach and experience on managing plastics waste. He covered Kenya's experience with regards to Kenya's 2017 ban on plastics carrier bags and the ongoing legislative reforms to tackle plastics (and other types of wastes) in a more

<sup>11</sup> Senior Policy Advisor, Regulatory Cooperation- Scottish Government.

<sup>12</sup> Director, Solid Waste Reduction, Ministry of Environment and Forestry.

<sup>13</sup> Head of the Regulatory Cooperation and Implementation Unit, Environment and Climate Change Canada.

<sup>14</sup> Director General, National Environment Management Authority (NEMA).

holistic manner. Mr Mamo detailed the National Environment Management Authority's (NEMA-Kenya) comprehensive education awareness campaign on the ban which incorporated local mainstream media, information packs shared with its international embassies, other government agencies and travel advisories. He also presented on Kenya's latest proposals such as the new Extended Producer Responsibility (EPR) schemes as well as its efforts on innovation, reuse, and recycling to reduce plastic waste and pollution. Some of the challenges Kenya is currently facing in its efforts to reduce plastic waste include (i) limited data and inconsistencies with data standards, (ii) capacity to efficiently use prior informed consent (PIC) notification process under Basel Convention and (iii) incoherent regional policies. There was a suggestion for the WTO to focus on its information sharing, monitoring and transparency work as well as to consider the introduction of an aid for trade mandate to support developing countries.

4.4. **Ms Maja Desgrees du Lou** (European Union)<sup>15</sup> presented on the European Commission's proposed new EU-wide rules on packaging. This new 65 article regulation will apply directly to economic operators who operate in the EU internal market. The proposed regulation is currently being discussed in the European Parliament and the Council. She emphasised that the focus was not solely targeted at plastic pollution but all packaging with an objective to prevent and reduce the growth of packaging waste, among others. She outlined key measures from the proposed regulation: (i) prevention of waste and reuse of packaging, (ii) full recyclability of all packaging by 2030, (iii) recycled content targets for plastic packaging, (iv) rules on compostable plastic packaging and (v) packaging labelling, mandatory deposit return systems and separate waste collection.

## 5 PANEL III

5.1. **Ms Kate Beers** (United States)<sup>16</sup> spoke about the National Institute of Standards and Technology's (NIST) Circular Economy program, focusing on descriptions of their early investments in plastics and polymer technology, measurements and data. Highlighting the strong co-dependence between material flows and economic markets, particularly for plastics, she underscored the need for a broadening of discussions beyond a single product and consumer decision point along the circular economy, to one that is upstream and with varying targets, which required an understanding of the relevant trade-offs at play. She went on to share about NIST's work in the areas of material science and design, data and decision tools, and environmental impact assessments. On NIST's experience in adopting the Chain of Custody Model Hierarchy, she noted that technologies were needed to deal with other streams of materials where it was difficult to identify competitive pathways for the material to be recycled back into the supply chain. Other challenges included the difficulty for MSMEs to maintain certification schemes to compete in the market, where transparency, harmonisation and access were vital to building trust and adoption. She added that life cycle assessment tools were also emerging as economic assessment tools used to address the full life cycle of plastics. On environmental impact assessment, Ms Beers underscored the importance of reliable underpinning data, noting that the NIST already collaborates with US regulatory agencies on the Comptox Chemicals Dashboard. To improve support data for better measurement of existing plastics burden on the environment and to inform better design, she suggested the establishment of an open access database.

5.2. **Ms Helen Bird** (United Kingdom)<sup>17</sup> presented the work of the Waste and Resources Action Programme (WRAP) in supporting action against plastics pollution. She emphasised that the problem of plastics pollution can only be addressed through systemic change, with an opportunity for voluntary action to facilitate intended outcomes. While a voluntary approach was not a substitute for regulations, this provides a clear signal of urgency and could accelerate the urgent action required. To this end, she cited the example of the UK Plastics Pact, an industry collaboration with a critical mass of the industry as members and underpinned by the UK Government. She noted that this model was a good way of engaging with the public sector, which addresses one of the top challenges of businesses. Ms Bird further underscored the critical importance of global alignment on standards for businesses and noted that there is work under the TBT Agreement that could help in tackling the plastics problem while facilitating international trade, including the principles of transparency, public consultation, standards, and the use of data and technology, such as ensuring good data and quality infrastructure.

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<sup>15</sup> Policy officer, DG Environment, Unit "Waste to Resources", European Commission.

<sup>16</sup> Lead, Circular Economy Program, National Institute of Standards and Technology (NIST).

<sup>17</sup> Head of Business Collaboration, Waste and Resources Action Programme (WRAP).

## **6 COMMENT BY THE MODERATOR**

6.1. I was pleased by the large interest and participation in this thematic session on Regulatory Cooperation between Members on Plastics Regulations, including 11 presentations from Canada, the European Union, Indonesia, Kenya, New Zealand, South Africa, the United Kingdom, the United States, and the WTO Secretariat.

6.2. The session provided an important opportunity for Members to share information on best practices and lessons learned as they seek to minimize plastic waste and plastic pollution. This is particularly true as the number of plastic regulations continues to increase. Live streaming and posting sessions online provided a useful opportunity to enhance transparency and broaden stakeholder participation in these important information sharing activities.

6.3. Participants benefited from a comprehensive overview of the state of international regulatory efforts to manage plastic waste and the WTO's existing workstreams to facilitate regulatory cooperation between Members in the Dialogue on Plastic Pollution (DPP). We also discussed international developments to minimize plastic pollution and plastic waste in the environment, such as the United Nations Resolution to End Plastic Pollution and considered how these efforts may necessitate future international cooperation.

6.4. Some members noted that using a mixture of regulatory and voluntary approaches can lead to more effective and sustainable outcomes by spurring innovation and creating space for the private sector to go beyond compliance. Strong partnerships among governments, businesses and civil society are critical to fostering more effective policy to minimize plastic pollution and plastic waste in the environment. Working together in relevant forums can build confidence between trading partners as well as improve information and experience sharing. This process can also have the effect of increasing public trust and adherence to plastic policy decisions.

6.5. Members emphasized the importance of key TBT principles throughout their presentations including transparency, public consultation, the use of international standards, the use data and technical information, technical assistance, development considerations, and the national quality infrastructure that underpins these systems.

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